

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Civil File No.: 17-CV-2329 (DWF/DTS)

The Estate of Vivian Maier,

Plaintiff,

vs.

**CONSENT JUDGMENT AND  
PERMANENT INJUNCTION**

MPLS Photo Center, LLC,

Defendant.

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WHEREAS, Plaintiff The Estate of Vivian Maier (the “Estate” or “Plaintiff”), filed civil action number Case No. 0:17-cv-02329-DWF-DTS in the District of Minnesota against Defendant MPLS Photo Center, LLC (“MPLS” or “Defendant”) asserting a claim for copyright infringement arising from Defendant’s unauthorized public exhibition and sale of unauthorized copies of photographs created by Vivian Maier in which the Estate holds copyright.

WHEREAS, Vivian Maier was a photographer who spent most of her life living in the Chicago, Illinois area and who died intestate in Cook County, Illinois on April 21, 2009, without any known heirs.

WHEREAS, the Estate includes all the personal and real property, tangible and intangible, vested or contingent, including intellectual property, of Vivian Maier, which is subject to probate and distribution to heirs, known or unknown.

WHEREAS, to date, the Circuit Court of Cook County, Illinois, has not determined the identity of Vivian Maier’s heir(s), and the Public Administrator of Cook County is currently authorized to act on behalf of the Estate.

WHEREAS, MPLS is a limited liability company organized under the laws of Minnesota with principal place of business of 2400 N. 2<sup>nd</sup> St. #200, Minneapolis, MN 55411.

WHEREAS, Plaintiff and Defendant have agreed to enter into a Settlement Agreement, which has been separately executed, resolving this litigation.

WHEREAS, pursuant to the Settlement Agreement, Plaintiff and Defendant have agreed to entry of a Consent Judgment and Permanent Injunction on the following terms, and Defendant has agreed not to appeal any part of this stipulated Consent Judgment and Permanent Injunction;

This Court, having read and considered the Consent Judgment and Permanent Injunction that has been executed by Plaintiff and Defendant and finding that the Consent Judgment and Permanent Injunction are fair, reasonable, and adequate, and for good cause appearing, hereby ORDERS, ADJUDGES, and DECREES, as follows:

1. This action arises under the copyright laws of the United States, 17 U.S.C. § 101 *et seq.*
2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
3. This Court has personal jurisdiction over Defendants, and venue is proper pursuant to 28 U.S.C. § 1391(b), 1391(c), and 1400(a).
4. The Estate is the holder and the sole and exclusive owner of all right, title, and interest in and to the copyrights in all works of authorship created by Vivian Maier, including those works of unpublished visual art registered in the following registrations (the “Maier Copyrights”):

VAu001275940	VAu001275938
VAu001275878	VAu001275926
VAu001275937	VAu001275928
VAu001275877	VAu001275931

VAu001275876	VAu001275934
VAu001275939	VAu001275884
VAu001275941	VAu001275936
VAu001275886	VAu001275924
VAu001275916	VAu001275921
VAu001275918	VAu001275920
VAu001275930	VAu001275873
VAu001275872	VAu001275883
VAu001275885	VAu001275932
VAu001275881	VAu001275879
VAu001278678	VAu001278676
VAu001278675	VAu001278672
VAu001263400	

5. All of the Maier Copyrights are valid and enforceable.

6. Defendant infringed the Maier Copyrights by exhibiting photographs made from photographic negatives created by Maier that embodied many of the Maier Copyrights, including those attached to this order as Exhibit A.

7. Defendant further infringed the Maier Copyrights by offering for sale and selling unauthorized copies of photographic prints that embodied many of the Maier Copyrights, including those attached to this order as Exhibit A.

8. Plaintiff and Defendant intend and this Court specifically orders that the issues of copyright infringement are hereby finally concluded and disposed of and that this Consent Judgment and Permanent Injunction bars Defendant from contending in this action or any other

proceeding that Defendant's exploitation of the works embodying the Maier Copyrights did not infringe the Maier Copyrights.

**IT IS FURTHER AGREED, ORDERED, AND DECREED that:**

9. The Estate is granted judgment against MPLS on its claim for copyright infringement.

10. MPLS, its principals, agents, servants, employers, attorneys, and all those acting in privity, concert, or participation with any of them shall, are immediately and permanently enjoined from publicly exhibiting, copying, selling copies, and/or offering for sale photographs embodying any of the Maier Copyrights.

11. This Judgment shall finally conclude and dispose of all claims, counterclaims, and defenses in this litigation as to Plaintiff and Defendant.

12. No appeals shall be taken by any party from this Consent Judgment and Permanent Injunction, the right to appeal being expressly waived by the parties.

13. Any violation of this Consent Judgment and Permanent Injunction by Defendant would cause irreparable harm to Plaintiff, and if such a violation occurs, Plaintiff will be entitled to immediate relief, including its costs and reasonable attorney's fees.

14. This Court retains exclusive jurisdiction of this action for the purpose of enforcing the terms of this Consent Judgment, Permanent Injunction, and the Settlement Agreement.

15. Final Judgment shall be entered pursuant hereto, without further notice.  
The Clerk is directed to enter this final Consent Judgment and Permanent Injunction forthwith.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 13, 2018

s/Donovan W. Frank  
Honorable Donovan W. Frank  
United States District Judge

APPROVED AND AGREED TO BY:

**THE ESTATE OF VIVIAN MAIER**

/s/ James E. Griffith

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